IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17902 of 2007

Dated: September 27, 2007

Between:

Kuchimanchi Constructions, 24/3, Narayana Street, A/c Gardens, Rajahmundry, East Godavari District, rep. by its Managing Partner K.S.R. Kishore.

… Petitioner

And

The Divisional Engineer (Operations), APSEB, Eastern Power Distribution Corpn. Ltd., Rajahmundry, East Godavari District, and others.

… Respondents

Order:

Petitioner, a partnership firm, engaged in the business of constructing and selling residential flats, has filed this writ petition seeking Mandamus to declare the action of the respondents in disconnecting power supply to Anandhitha Enclave constructed by it at A.V. Appa Rao Road, Srinivas Nagar, Rajahmundry, East Godavari, as illegal and arbitrary.

2. Heard learned counsel for the petitioner and Mr. Manoher Reddy, learned Standing counsel appearing for the respondents.

3. The case of the petitioner is that the aforesaid building has been constructed after obtaining necessary permission from the Municipality and an occupancy certificate has also been issued under the provisions of Public Health Act, vide proceedings dated 30-07-2007. It is stated that the second respondent issued permission for release of power to the building by proceedings dated 17-07-2007 and the first respondent has provided supply of electricity on 30-07-2007; however, all of a sudden power supply was disconnected on 21-08-2007 at about 2.00 p.m.

4. Respondents have filed counter affidavit disputing the allegations of the petitioner. It is stated that power supply was not released at all to the said building. It is admitted that on the application of the petitioner, equipment, namely, meters etc., were fitted and tested. It is the case of the respondents that connections were given only for the purpose of testing and once the testing was complete, supply was disconnected. It is also stated that as there were no orders for supply of power and as no power is being supplied, as per the terms and conditions, petitioner cannot seek continuance of power supply.

5. Learned Standing Counsel for the respondents submits that though petitioner has produced occupancy certificate, but the same is not in accordance with the Rules as contemplated under Hyderabad Municipal Corporation Act, which is applicable to Rajahmundry Municipal Corporation and hence power could not be supplied.

6. I have perused a copy of the occupancy certificate issued by the Commissioner, Municipal Corporation, Rajahmundry. However, the same is not in the form prescribed in Appendix-H of the Municipal Corporation Building Byelaws, 1981, framed under the Hyderabad Municipal Corporation Act.

7. Though it is the case of the petitioner that the said building was

provided with service connections, however, there are no orders to that effect. As much the only objection of the respondents is that occupancy certificate has not been submitted in the pro forma prescribed, and as equipment is already fixed and tested, I dispose of the writ petition permitting the petitioners to submit occupancy certificate issued by the competent authority, in the pro forma prescribed, to the respondents. On petitioner submitting such certificate, respondents shall consider the case of the petitioner for providing service connections to Anandhitha Enclave at A.V. Appa Rao Road, Srinivas Nagar, Rajahmundry, East Godavari, by collecting necessary charges as per the terms and conditions of supply, within a period of one week from the date of petitioner submitting the occupancy certificate. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 27, 2007
N.B. Furnish C.C. in two days
B.O.
MRR